IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DERRICK MARCELLUS MOORE,
Petitioner,

V. CIVIL ACTION NO. 3:16CV155

B. VON BLANCKENSEE,
Respondent.

VOLUNTARY NOTICE OF DISMISSAL

Comes now, the Petitioner, Derrick Marcellus Moore, through his counsel, Brian J. Kornbrath, Federal Public Defender, moving the Court, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, to enter an order of voluntary dismissal before the Respondent files an Answer to the pending Petition for Writ of Habeas Corpus Under 28 U.S.C. §2241. Petitioner requests such dismissal be with prejudice based on the following:

Counsel for the Government, represented by Tara N. Tighe, Assistant United States Attorney, indicates the Federal Bureau of Prisons will award credit to the Petitioner's current federal sentence for that time he was actually at liberty subsequent to imposition of sentence in United States of America v. Derrick M. Moore, 1:96CR207(JCC)(Eastern District of Virginia) through execution of a federal arrest warrant against the Petitioner on September 24, 2013.

Petitioner concedes such credit is only for time he was actually at liberty and living in the community during the operative time period, and not while serving any other state or federal sentence.

Respectfully submitted,

DERRICK MARCELLUS MOORE

By: *s/ Brian J. Kornbrath*

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CERTIFICATION OF SERVICE

I hereby certify that on February 24, 2017, a copy of the foregoing was filed by undersigned counsel on CM/ECF which will send an electronic copy to the following:

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